

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY SCHLENKER,

Defendant.

CASE NO. CR15-5197BHS

ORDER

This matter comes before the Court on the Unopposed Defense Motion to Continue Trial Date and Pretrial Motions Due Date. The Court, having considered the motion and Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel has received substantial discovery, including audio recorded interviews and surveillance footage. Some discovery is subject to a protective order, which makes the process of reviewing and analyzing that evidence with the Defendant time consuming.

2. The defense needs additional time to explore potential legal or factual issues for purposes of pretrial motions.

3. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for

1 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act
2 and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

3 4. Taking into account the exercise of due diligence, a continuance is necessary to allow
4 the defendant the reasonable time for effective preparation his defense, to explore resolution of
5 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

6 5. Proceeding to trial absent adequate time for the defense to prepare would result in a
7 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

8 6. The ends of justice served by granting this continuance outweigh the best interests of
9 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

10 7. Defendant waived speedy trial through February 28, 2016.

11 NOW, THEREFORE, IT IS HEREBY ORDERED

12 That the trial date is continued from November 3, 2015 to January 26, 2016 at 9:00 a.m.;
13 Pretrial Conference is set for January 18, 2016 at 11:00 a.m. Pretrial motions are due December
14 16, 2015. The resulting period of delay from September 14, 2015 to January 26, 2016 is hereby
15 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

16 Dated this 16th day of September, 2015.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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